

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.
SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:22-CV-00422-JRG-RSP

Case No. 2:23-CV-00103-JRG-RSP

JOINT MOTION FOR CONTINUANCE

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) and Plaintiff Headwater Research LLC (“Headwater”) jointly move to continue the trial dates for the *Headwater Research LLC v. Samsung Electronics America et al.* (2:22-cv-422) matter (the “-422 case”) and the *Headwater Research LLC v. Samsung Electronics America et al.* (2:23-cv-103) matter (the “-103 case”), specifically as set forth herein.

A. -422 Case

First, Samsung respectfully requests that trial of the -422 case be continued to January 27, 2025. Headwater does not oppose this continuance, so long as the -422 case can be specially set as the first-priority case for the January 27, 2025 trial setting.

The -422 case was originally scheduled for trial on August 5, 2024 before being rescheduled to August 16, 2024. Dkt. 372. The trial was continued on Samsung’s request, in light of conflicts with another ITC trial involving Samsung’s technical expert, Dr. Daniel Schonfeld. Dkt. 372, 406. The -422 case was rescheduled to December 6, 2024, but was not reached on December 6, at which point it was rescheduled to January 13 as the first-set case. On Friday,

December 13, Samsung raised that this newly set trial date presents another direct conflict with the pre-existing trial schedule of Dr. Schonfeld. Dr. Schonfeld is a testifying expert in ITC Investigation No. 337-TA-1400, and the trial in that matter (which has been set since June 3, 2024) runs from January 13, 2025 to January 17, 2025. Ex. 1. Thus, the ITC trial conflicts with the January 13, 2025 trial date in the -422 case. Samsung represents that Dr. Schonfeld will have a significant role in the ITC matter, including offering expert testimony on infringement, validity, and technical aspects of domestic industry. Samsung further represents that Dr. Schonfeld will testify twice in the ITC matter, once in Complainant's case-in-chief and again in Complainant's rebuttal case, and he will otherwise attend all days of the ITC trial proceeding, e.g. to listen to the testimony from additional fact and expert witnesses. Because Dr. Schonfeld is Samsung's sole technical witness in the -422 case, Samsung intends for him to testify about non-infringement, invalidity, technical comparability of licenses, and non-infringing alternatives.

Headwater is available for trial in the -422 case on January 13, but does not oppose the requested continuance if it is only two weeks long (to January 27) and only if the Court is inclined to maintain the -422 case's position as the first-priority case for the January 27, 2025 trial setting, given that trial was originally set for August 2024 and has already been rescheduled based on Samsung's availability.

Thus, the parties respectfully request as part of this agreed upon joint request, subject to the Court's approval, that the -422 case be prioritized as case number one in the order of trials for the January 27 trial setting. The parties confirm that this trial setting works for all witnesses and counsel and believe that January 27 would only be a slight adjustment from the current January 13 setting.

B. -103 Case

Second, the parties respectfully request that trial of the -103 case also be continued to January 27, 2025 or as soon thereafter as practicable for the Court. The -422 case was filed several months before the -103 case, had an original trial date five months before the -103 case, and is presently prioritized ahead of the -103 case in the Court's order of trials for the January 13 setting. The parties wish to preserve that status quo if possible. Accordingly, the parties respectfully request that the -103 case be scheduled for trial after the -422 case, specifically by continuing trial of the -103 case to January 27, 2025 (at a lower priority than the -422 case in the Court's order of trials) or as soon a date thereafter as the Court deems appropriate.

Dated: December 18, 2024

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on December 18, 2024. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A) and via electronic mail.

/s/ Michael J. McKeon
Michael J. McKeon

CERTIFICATE OF CONFERENCE

I hereby certify that local counsel for the parties met and conferred regarding this motion on December 16, 2024.

/s/ Michael J. McKeon
Michael J. McKeon